Previous references.

~~Y. F 75 of 02-03~~

File No. 178
of 1904-05

(In Records)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

PART B FOR March 1905

SUBJECT.

Chennamma accused and convicted of the offence of murder under Sec. 302 I.P.C. in Hassan Sessions Case No. 17 of 1903-04 & Criminal Appeal No. 220 of 1903-04 on the file of the Hon'ble Chief Court.

	FILE No. 178 of 1904-05.
	Channamma, accused and convicted of the offence of murder under Section 302, Indian Penal Code, in Hassan Sessions Case No. 17 of 1903-04, and Criminal Appeal No. 220 of 1903-04, on the file of the Chief Court.
1	From Mr. B. Ramaswamy Iyer, B.A., B.L., Sessions Judge, Mysore Division, No. 1333—296, dated the 4th January 1905. States that for reasons stated by him, the sentence of transportation for life passed on the prisoner in question, may be remitted or commuted to one of simple imprisonment for one year from the date of the original sentence.

P.T.O.

To the Inspector General of Prisons in Mysore, No. J. 2527, dated the 6th March 1905.

Requests him to obtain and submit to Government a confidential report on the conduct in jail of prisoner Channamma.

3 From the Inspector General of Prisons in Mysore, No. 450—J., dated the 14th March 1905.

Forwards copy of a confidential report from the Superintendent of Central Jail, reporting on the conduct of Channamma.

4 Government Proceedings No. J. 2810-Fl—C. 178-4, dated the 31st March 1905, to the Registrar of the Chief Court, and the Inspector General of Prisons.

Directs that the sentence of transportation for life, passed on Channamma be commuted to one of rigorous imprisonment for one year from the date of the original sentence and that she be released at the end of that period and observes that the Sessions Judge of Mysore should not have addressed to Government direct in the matter.

G. R. S: 11] 1904

GENERAL AND REVENUE SECRETARIAT

(Courts)

NOTES.

File No. 178

FILE HEADING.

Chennamma, accused & convicted of the offence of murder unds Sec 302, IPC, in Hassan Sessions Case No. 17 of 03-04, and Cr appeal No. 220 of 03-04, on the file of this Court

From Mr. M. Rama Warrey Esqr. Sessions Judge, Mysore Division

No. 1333/296. Dated 4/1/05 Received 10/1/05

Diary No. J 1431 | Enclos. nil | Spare Copies. — | Serial No. 1

BRIEF ABSTRACT OF LETTER.

States that for reasons stated by him the sentence of transportation for life passed on the prisoner may be remitted or commuted to one of simple imprisonment for one year from the date of the original sentence

NOTES AND ORDERS.

Chennamma being accused of the offence of causing the death of a newborn child of her unmarried daughter by strangulation of neck, she was found guilty & convicted of the offence punishable unds Sec 302 IPC & sentenced to undergo transportation

NOTES—First sheet.

MGCPB—35,000—18-8-04

Serial No.

for life by the Sessions Judge of Mysore with a recommendation for Commutation of the Sentence, being of opinion that the act was done by the prisoner not from any villainous motive but with a view to prevent dishonor falling on her family.

In upholding the conviction, the Judges of the Chief Court say:—

"The crime was one for which however, the minimum punishment that we can award under the law is too severe. To save the honor of her daughter, the poor mother in a moment of despair succumbed to the temptation of doing what in calmer moments would have been quite abhorrent to her natural feeling. We concur with the learned sessions judge in thinking that this is a fit case for the exercise of mercy vested in Govt."

The original sentence dates from the 12th April 04.

Submitted for orders

17/1/05. 17.1.05

The recommendation made by the sessions Judge in behalf of the prisoner may and supported by the

MGGPB—20,000—1-11-04.

G.B.S. 12]
General and Revenue
Secretariat.

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Chief Court may be accepted and the sentence commuted to one of rigorous imprisonment for one year from the date of the original sentence (i.e 12th April 1904). I do not think this is a case in which simple imprisonment satisfies the ends of justice. Being a prisoner the sentence may therefore be commuted to one of rigorous imprisonment for one year. If this is done, she will regain her liberty on the 12th April next, that is, about three months hence from now.

Dec 18. 1. 05

Submitted to the Dewan Saheb thro the 1st Councillor for orders.

G. 1. 1905

1523
19-1-05

This is an unfortunate case. As regards the commission of the crime by the Prisoner, the evidence is conclusive. The Reports Judge and the Chief Court are both in favor of the exercise by the Sovereign of his Prerogative of mercy.

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G.R.S. 12]
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Serial No.

a copy of the Chief Court's judgment was not sent to the Govt or why the Sessions Judge has addressed the Govt direct instead of thro' the Chief Court. If the Chief Court is agreeable, the Sessions Judge's recommendation may be sanctioned. C Sreenivasiengar 20/1/05.

9 This is an unfortunate case. As regards the commission of the crime by the Prisoner, the evidence is conclusive. The Sessions Judge and the Chief Court are both in favor of the exercise by the Sovereign of his prerogative of mercy.

I do not know why a copy of the Chief Court's judgment was not sent to the Government or why the Sessions Judge has addressed the Government direct instead of thro' the Chief Court . If the Chief Court is agreeable, the Sessions Judge's recommendation may be sanctioned

(Sd) C.Sreenivasiengar.

20-1-1905.

21.1.1905

4281/21.1.05. To Secretary to the II Judicial Commissioner. Pl say if there are any precedents when the law prescribes a minimum punishment is it right for the Govt to interfere with the sentence. The legal punishment is suffered

NOTE—Contn. sheet.

M.G.C.P.B.—20,000—1-11-04.

G.B.S. 12]
General and Revenue Secretariat.

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Serial No.

who the least which could be awarded. The murderess is a woman of ripe age and with experience of the world's ways. The question at present appears to me a very difficult one. Why should she not suffer imprisonment for two or three years in the jail & then her case be brought up for orders if her conduct in jail is proper & she is penitent of her act. Her friends deserve consideration

22.1.05

Reach H
Put up precedents soon
23.1.1905

Hag R

12 The case of one Giddi, here in a similar circumstance, the punishment of transportation for life was commuted to one of 12 years imprisonment for a year is severe. Send to the Diwan Saheb as ordered in the 2nd connection.

24/1/05 SF 24/1/05

25.1.1905

167
26-1-05

13 We have many a precedent. The case is slightly different from the one under consideration. Giddi the murderess was then

MGCPB—20,000—1-11-04.

G.R.S. 12]
General and Revenue Secretariat.

File No. 178 of 1904-05

Serial No.

which has found its way to
for[illegible] from the dock Judge -
In a case where a court of justice
inflicts a punishment provided
by law without leaving any discretion
with the judge I think the Govt
should not be very wary, and
any interference can only be
justified by the presence in the
case of some circumstance which the Court
cannot take cognizance - If
it were the mother of the new born
and murdered infant that had
been concerned in the case there
would be no doubt be found
ample justification in the fact
that she was physically weak
that she was in a helpless condition
without any aid or support, and
that under various kinds of
pressure acting on her she succumbed
to the temptation and committed
the crime - In this case however
it is the mother of the girl who
advanced in years, with no reason
to lose her head, with nothing
to offset her punishment, confining

NOTE—Contn. sheet.

MGCPB—20,000—1-11-04.

Serial No.

calmly judging the consequences of her act who has committed the murder of the child - which it is the duty of the law to put down with a strong hand - She did not show any penitence for her act, neither her confession and pleaded guilty. Is it right to allow her to escape the law in her diabolical act? Every murder will have a motive & if it is an effort to conceal shame in this case it will be an act of vengeance as the desire for gain in other cases. I do not know that there is a strong and striking feature in the case which stimulates the exercise of sympathy or call for the exercise of mercy - At any rate the exercise of mercy should not act in consistently with the assertion of justice - It is in consideration of these needs that I think a specific recommendation of the Trial Court may be asked for.

7.II.05

If forwarded to the Registrar of the

9.2.05

NOTE—Contn. sheet.

MGCPB—10,000—31-8-04.

G.R.S. 12]
General and Revenue Secretariat.

File No. 178 of 1904-05

Serial No.

Chief Court of Mysore for favor of opinion of the Chief Court.

V. Venkata Rao
Secy. & Ext. in the G&R Dept.
5.2.1905

No: 4470/259 Jud. Dept.

16 The Judges observe that they fully recognize the difference between a crime committed, as in the present case, to save family honour and crimes committed for gain, lust or revenge and they think that in the present case the sentence might properly be reduced by the Government to one of a year's rigorous imprisonment.

D. Rangachar Avl
Registrar, Chief Court.
17th Feby 1905.

Courts 111 recd 18/2/05

17 Submitted to the Dewan Saheb thro the 1st & 2nd Commissioners.
20.2.1905

2001/20-2-05.

I agree -
1st Commissioner
21.2.1905

Read 22.2.05.

I agree
2nd Commissioner
21.2.1905

21/2/05.

18 Papers to Secretariat
23/2/05

4978/26.4.05.

23.2.1905

G.R.S. 12]

General and Revenue Secretariat.

File No. 178 of 1905

Serial No.

5004

19 Cmpn a confidential report from the Superintendent of Prisons regarding the conduct of the prisoner in Jail.

Draft accd 26.II.05 Unit

27.2.1905

Subd with a draft letter

SW 28/2/05

Done 28/2/05

2 Draft issued

3 From the Inspr General of Prisons Nr 4078/J dt the 14th March 1905

Forwards copy of letter from the Superintendent, Central Jail, reporting on the conduct of Cheruvannua.

Subdr 20 It is reported that since his admission into the Jail Cheruvannua has been quiet & well behaved. If the remission of punishment with the modification suggested is to be sanctioned, Cheruvannua will have to be liberated on the 17th April next.

Subd 21 The information was called for by the Dewan.

SW 16/3/05 Dewan 16/3/05

22 Submitted 21/3/05

22.3.1905

54 42 22/3/05

Submitted to His Highness.

24 I have given this matter my best consideration and cannot make up my mind to reduce the punishment below of one year's rigorous imprisonment altho in this opinion I am upheld by both the Councillors and the Chief Judges of the Chief Court. I have given my reasons in my note of 7. 2. 05, and do still think that the prisoner in this case does not deserve any very great mitigation of the Sentence - but the general sentiment is to protect the helpless mothers who falls into such temptation and puts an end to the existence of the child to save her family honour - In this case however it is not the mother of the child - and the committed

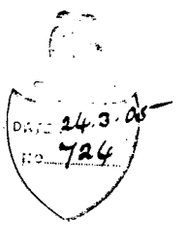
A

this heinous act to save herself
from dishonour and her daughter
from disgrace - She has however
failed in that object - on account
of this prosecution and conviction
and she has to throw herself upon
the sympathy of her people. It has to be considered whether letting her off lightly so soon is a
this jail her conduct has been re
ported to be "quiet and well behaved."
The date of the sentence is 12th April 1904
and she has suffered nearly 11½ months
imprisonment. Under all the circ
of this case I am of humble opinion
that the sentence may be reduced
to one of three years rigorous imprison
-ment. Mr Madrai goes to the
length of fixing it at 2 years.

23.III.05

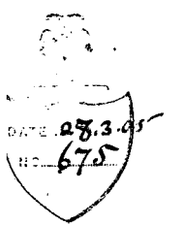
Record of Case submitted for the orders of His Highness the Maharaja.

Subject.



Commutation of the sentence of trasportation for life passed on Chennamma, accused in Hassan Sessions case No.17 of 1903-04 to one of rigorous imprisonment.

Order.



25

I Consider that when we ask the Chief Court for advice on a matter within their peculiar Sphere, and on a point which is after all merely a matter of opinion, it is not desirable to reject their advice. The Sentence is reduced to one years rigorous imprisonment

K R M

25/3/05

B Rice 3/4/05

26 Ordered accordingly

27.III.05

Serial No.

27

A draft order pertaining to Mr. Thumboo Chetty is submitted

SR
29/3/05

29.3.05

28 Passed
29.3.1905

Put up the papers in connection with 178 to the Judge of the Chief Court & the Sessions Judge of Prome

Directing that the sentence of transportation for life passed on Chemmen be commuted to one of rigorous imprisonment for one year from the date of the original sentence & that he be released at the end of the period & that the Sessions Judge of Prome be informed accordingly for

MGCPB—20,000—1-11-04.

J143.

No. J143/1333/296

DISTRICT AND SESSIONS COURT,
– ASHTAGRAM DIVISION,
DATED MYSORE, 4th January ~~189~~ 05.

From The Ramaswamy Iyer Esq. BA. M.
~~THE~~ Sessions JUDGE,
ASHTAGRAM DIVISION, MYSORE.

To B. L. Venkatarama Iyengar Esq
~~THE~~ Secretary to the Govt of Mysore
General & Revenue Department
Bangalore

SIR,

Under Section 402 of the Criminal Procedure Code, I have the honor to submit herewith for orders of the Government the entire record in Hassan Sessions case No: 17 of 1903-04 in which one Chennamma was sentenced to transportation for life for causing the death of a newborn child by strangulation an offence falling under Section 302 of the Indian Penal Code and to state what for the reasons given in my proceedings as well as

in the judgment of the Chief Court
on appeal, I consider that her case
is one in which the Government ought
to be moved to exercise its prerogative
of mercy. She is about 45 years old and
in my opinion the remaining portion
of the sentence passed on her may be
remitted or commuted to one of
simple imprisonment for one year
from the date of the original sentence.

I have the honorable
Sir,
Your most obedient servant.

Mr Ramsbotham Esq
Resident Jhansi

G.R.S. 26]

Confidential

Court 3

File No. 178-Nos

Serial No. 2

Diary No. of letter replied to

No. 2527
Cons'd 178-2
dated 6th March 1905

General and Revenue Secretariat
( )
the / 190 .

To
The Inspector General of
Prisons in Mysore,
Bangalore

Date of issue 6. 3. 1905

Signed by Mr. M Shamu Rao

Sir,

I am directed to request that you will be so good as to obtain from the Superintendent of the Bangalore Central jail a confidential report on the Conduct in jail of one Chennamma who was convicted of Murder in the Hassan Sessions Case No. 174 of 03-04 and sentenced to transportation for life and to submit the same for the

over.

SUBJECT.

4

the information of Government
at a very early date.

I have etc

for Secretary

SN
28/2/05

List of enclosures.

Copied by S. Shivaram 3/3

Examined by SN 28/2/05

MGCPB—5,000—20-5-04

file no 178
sl no. 3 9 19445

No. 450 Office of the Inspr. Genl. of Prisons in Mysore,
Ex. 1 Dated Bangalore, 14th March 1905.
15

From

Lt.-Colonel J.Smyth M.D., I.M.S.,
Offg. Inspector General of Prisons in Mysore.

To

B.K.Venkatavarada Iyengar Esqr.
Secretary to the Government of
His Highness the Maharaja of Mysore,
General and Revenue Departments.

Sir,

Adverting to your No.2527/Courts.178-2 dated the 6th March 1905, requesting me to obtain from the Superintendent Bangalore Central Jail, a confidential report on the conduct in Jail of one Chennamma who was convicted of murder in Hassan Sessions Case No.17 of 1903-04 and sentenced to transportation for life and to submit the same for the information of Government, I have the honor to forward herewith a copy of Superintendent's D.O. dated 14th March 1905, reporting on the conduct of the convict in question in the Jail.

I have the honor to be,
Sir,
Your most obedient servant,

M.D.,
Lt.-Colonel I.M.S.,
Offg. Inspector General of Prisons.

T.C.G.

Courts III 16 Dr. Gen'l's 1944
1905

FROM
The Inspector General
of Prisons in Mysore

To
The Secretary to the
Govt. of His Highness
the Maharaja of Mysore
General and Revenue Dept.

Dated 14th March 1905

Despatched 15th —do—

Received

General No. 450
No. J

Enclosure No. 1

Forwards a copy of
D. O dated 14-3-05
from the Superintendent
Bangalore Central Jail
reporting on the conduct
of Convict Channaiya
who was convicted
of murder in Hassan
Sessions Case No. 17
of 1903—Ord.

Confidential. 14-3-05.

To

Lt.-Colonel J.Smyth I.M.S.,

Inspector General of Prisons.

Sir,

With reference to your confidential enquiry regarding female convict Chennamma No.7319, I have the honor to state the prisoner was committed of murder by the Sessions Court at Mysore and was received in this Jail on the 1st August 1904. Since her admission she has been quiet and well behaved. I have no other information about her.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) G.Hume Wright

" C O P Y "

M.D.,

Lt.-Colonel I.M.S.,

Offg. Inspector General of Prisons.

T.C.G.

G.R.S. 28]

7

Courts

File No. 178

Serial No. 4

Diary No. of letter replied to _____

Proceedings of the Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE SECRETARIAT.
(courts

, *the* 31/3/ 1905

Date of issue 31/3/05

Signed by Abd. K. S. Chandra Sekhara Aiyar

READ.—

Letter No. 1333 .296, ~~from~~ dated the 4th Jan 1905, from the Sessions Judge of ~~the~~ Mysore ~~Division~~, forwarding the entire record connected with the Hassan Sessions case

~~ORDER THEREON.—NO.~~

No. 17 of 1903-04, in which one Chennamma was sentenced to transportation for life for ~~causing~~ having caused the death of a new-born child of her daughter by strangulation an offence falling under

over

Leave 2/4/05

SUBJECT

8

Sec. 302 of the Indian Penal Code and stating that this is a fit case for the exercise of the prerogative of mercy vested in Govt., and recommending that the sentence of transportation for life passed on the accused may be commuted to one of simple imprisonment for one year from the date of the original sentence.

Letter No 450 of the 14th March 1907 from the Dt. Magistrate of Chengalpattu forwarding the petition of the prisoner Chennamma has been quiet & well-behaved in Jail.

Order thereon. J 2810-2911

C. 178-24

~~Govt. consider that the circumstances under which the prisoner was tempted to commit the offence named above are of such a nature that she is entitled to sympathy and the Governor~~

The Govt. of H.E. the Governor in Council under Secs 401 & 402 of the Cr. Pro. Code, pleased to direct that the sentence of transportation for life passed on the prisoner Chennamma in Hasan Depot Case No 179 1905-06, be commuted to one of rigorous imprisonment for

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation Sheet draft form.*)

released at the end of that period -

one year from the date on which the original sentence was passed, & that he be, 2. The Sessions Judge should not have addressed Government, but should have sent his ~~letter~~ recommendation through the Chief Court of Mysore and he is wrong in holding direct communication with the Govt.

29/3/05. 29.3.05 29.3.1905 Secy

To The Registrar of the Chief Court of Mysore with the records of the case received from the Sessions Judge, Kolar Dt.

To The Inspector General of Prisons in Mysore

To The Sessions Judge of Kolar Dt. returning the records

Copied 29/3/05.
Examined - 29/3/05